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Attorney for Nonparty Ubisoft Inc.

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: VALVE ANTITRUST LITIGATION

Case No. 2:21-cv-00563-JCC

**DECLARATION OF OLIVIER ERNST
 IN SUPPORT OF UBISOFT, INC.'S
 JOINDER IN VALVE
 CORPORATION'S MOTION TO SEAL
 PORTIONS OF SUMMARY
 JUDGMENT FILINGS THAT
 CONTAIN UBISOFT, INC.'S
 CONFIDENTIAL INFORMATION AND
 UBISOFT'S MOTION TO MAINTAIN
 SUCH INFORMATION UNDER SEAL**

LAW OFFICES OF STEPHEN S. SMITH, P.C.
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DECLARATION OF OLIVIER ERNST

I, Olivier Ernst, declare as follows:

1. I am a Senior Vice President, Direct to Player, at Ubisoft Entertainment, Inc., an affiliated company of Ubisoft, Inc. (“Ubisoft”) I am in charge of Ubisoft’s online store (Ubisoft Store) and subscription products (Ubisoft+). The facts stated herein are known to me personally and, if called as a witness, I could and would testify competently thereto under oath.

2. In the chart below, I identify the specific Ubisoft materials that Valve and Ubisoft seek to maintain under seal, and I explain why (a) it is important that such materials remain confidential and (b) the harm that could result if such materials were publicly disclosed.

Docket No.	Page	Line	Exhibit	Confidentiality Designation	Why Important It Remain Confidential	Harm if Publicly Disclosed
454.6 Gowrisankaran Rebuttal Merits Report	53	52	¶91(b)	Highly confidential	# Commercial sensitivity: internal performance & exposure of competitive advantage # Negotiation leverage: such figures could be used against Ubisoft in future negotiations # Protection of Ubisoft distribution strategy: direct business (B2C) vs business with partners (B2B)	# Competitive disadvantage (a competitor could decide to exploit this data to evolve their offerings to gain market share) # Potential negative impact on business relationships with other partners # Misinterpretation of the data could generate false news and potential speculation
450.3 & 454.4 Corrected Chiou Opening Merits Report	6	5		Highly confidential	# Commercial sensitivity: internal data showing customers’ behavior # Negotiation leverage: such figures could be used against Ubisoft in future negotiations with other partners # Data Protection on customers’ behavior within the PC ecosystem	# Potential negative impact on business relationships with other partners # Overreaction from Steam users spreading a negative sentiment toward Ubisoft Connect # Misinterpretation of the data could generate false news and potential speculation

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1	450.3 & 454.4 Corrected Chiou Opening Merits Report	6	5		Highly confidential	# Commercial sensitivity: internal data showing customers' behavior	# Potential negative impact on business relationships with other partners
2						# Negotiation leverage: such figures could be used against Ubisoft in future negotiations with other partners	# Overreaction from Steam users spreading a negative sentiment toward Ubisoft Connect
3						# Data Protection on customers' behavior within the PC ecosystem	# Misinterpretation of the data could generate false news and potential speculation
4							
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9	450.3 & 454.4 Corrected Chiou Opening Merits Report	82	81	Exhibit 3	Highly confidential	# Commercial sensitivity: internal data showing customers' behavior	# Potential negative impact on business relationships with other partners
10						# Negotiation leverage: such figures could be used against Ubisoft in future negotiations with other partners	# Overreaction from Steam users spreading a negative sentiment toward Ubisoft Connect
11						# Data Protection on customers' behavior within the PC ecosystem	# Misinterpretation of the data could generate false news and potential speculation
12							
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17	450.3 & 454.4 Corrected Chiou Opening Merits Report	82	81	Exhibit 3	Highly confidential	# Commercial sensitivity: internal data showing customers' behavior	# Potential negative impact on business relationships with other partners
18						# Negotiation leverage: such figures could be used against Ubisoft in future negotiations with other partners	# Overreaction from Steam users spreading a negative sentiment toward Ubisoft Connect
19						# Data Protection on customers' behavior within the PC ecosystem	# Misinterpretation of the data could generate false news and potential speculation
20							
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25	450.3 & 454.4 Corrected Chiou Opening Merits Report	82- 83	81-82	¶135	Highly confidential	# Commercial sensitivity: internal performance & exposure of competitive advantage	# Competitive disadvantage (a competitor could decide to exploit this data to evolve their offerings to gain market share)
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					# Negotiation leverage: such figures could be used against Ubisoft in future negotiations	# Potential negative impact on business relationships with other partners
					# Protection of Ubisoft distribution strategy: direct business (B2C) vs business with partners (B2B)	# Misinterpretation of the data could generate false news and potential speculation
450.3 & 454.4 Corrected Chiou Opening Merits Report	174	173	¶301	Highly confidential	# Commercial sensitivity: internal performance & exposure of competitive advantage # Negotiation leverage: such figures could be used against Ubisoft in future negotiations # Protection of Ubisoft distribution strategy: direct business (B2C) vs business with partners (B2B)	# Competitive disadvantage (a competitor could decide to exploit this data to evolve their offerings to gain market share) # Potential negative impact on business relationships with other partners # Misinterpretation of the data could generate false news and potential speculation
450.3 & 454.4 Corrected Chiou Opening Merits Report	174	173	n.533	Highly confidential	# Sensitive strategic communication including Ubisoft plans and proprietary information # Confidential business information to be protected from the competition # Potential violation of existing NDAs	# Overreaction from Steam users spreading a negative sentiment toward Ubisoft Connect # Potential in damaging business relationships and Ubisoft reputation
450.3 & 454.4 Corrected Chiou Opening Merits Report	174	173	¶302	Highly confidential	# Commercial sensitivity: internal performance & exposure of competitive advantage including specific margins # Negotiation leverage: such figures could be used against Ubisoft in future negotiations	# Competitive disadvantage (a competitor could decide to exploit this data to renegotiate a contract) # Potential negative impact on business relationships with other partners # Misinterpretation of the data could generate

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					# Protection of Ubisoft distribution strategy: direct business (B2C) vs business with partners (B2B)	false news and potential speculation
450.3 & 454.4 Corrected Chiou Opening Merits Report	174	173	¶303	Highly confidential	# Commercial sensitivity: internal data showing customers' behaviour # Negotiation leverage: such figures could be used against Ubisoft in future negotiations with other partners # Data Protection on customers' behavior within the PC ecosystem	# Potential negative impact on business relationships with other partners # Overreaction from Steam users spreading a negative sentiment toward Ubisoft Connect # Misinterpretation of the data could generate false news and potential speculation
450.3 & 454.4 Corrected Chiou Opening Merits Report	175	174	Exhibit 17	Highly confidential	# Commercial sensitivity: internal data showing customers' behavior # Negotiation leverage: such figures could be used against Ubisoft in future negotiations with other partners # Data Protection on customers' behavior within the PC ecosystem	# Potential negative impact on business relationships with other partners # Overreaction from Steam users spreading a negative sentiment toward Ubisoft Connect # Misinterpretation of the data could generate false news and potential speculation
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1 I declare under penalty of perjury under the laws of the united States California that the
2 foregoing is true and correct. Executed on August 14, 2025, at Montreal, Quebec, Canada.

DocuSigned by:

Olivier Ernst

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Olivier Ernst

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